



## **NOAA FISHERIES**

### **Atlantic Highly Migratory Species**

#### **Comments Received on Notice of Intent to Issue Exempted Fishing Permits, Scientific Research Permits, Display Permits, Letters of Acknowledgment, and Chartering Permits for the Collection of Atlantic Highly Migratory Species During 2013**

**March 1, 2013**

On November 20, 2012, we published a notice regarding our intent to issue Exempt Fishing Permits (EFP), Display Permits, Chartering Permits, Scientific Research Permits (SRP), and Letters of Acknowledgment (LOA) for the collection of HMS in the 2013 calendar year. During the 30-day comment period, we received numerous comments on this notice. In order to provide clarification on how we issue EFPs and related permits, we have published a notice in the Federal Register summarizing some of the comments received (March 1, 2013, 78 FR 13864). A summary of that notice is below.

On the November 2012 NOI, we received numerous public comments, the majority of which expressed concern regarding EFP applications that may request access to the Florida East Coast or Charleston Bump time/area closures using pelagic longline vessels to conduct research. Commenters on this subject did not support this type of research. At this time, we have not received any applications requesting access to these, or other closed areas, using pelagic longline vessels. Rather, similar to NOIs published in the past for the Atlantic HMS EFP program, the goal of this past NOI was to inform the public that the Agency may be receiving applications for this type of research in 2013. As is true for any application, if applications are received in 2013 that are beyond the scope of the NOI, we would complete additional analyses evaluating the impacts on the human environment of this type of research and, if warranted, allow additional opportunity for the public to comment on the proposed activities before issuing any formal authorization or EFP. Specifically on closed area research, compensation fishing, and aquaculture requests that require exemption from regulation, we will provide additional opportunities for public comment when complete applications are received and necessary analyses have been conducted.

We also received comments concerning the issuance of an EFP in 2012 to scientists interested in conducting experiments to culture bluefin tuna in land-based recirculating tanks, citing a requirement at 50 CFR 600.745 (b) (3) (i) that NMFS seek public comment for 15-45 days on every application prior to issuing a permit, and supporting the issuance of Display Permits for collection of Atlantic HMS for public display and education. The 2012 permit was issued without the Agency seeking additional public comment on the activity because of the limited scope of the activity and the fact that no tuna captured under the authority of the permit would be sold or released back into the ocean. As stated above, due in part to the comment received on the NOI, we will provide additional opportunities for public comment when complete applications on aquaculture, closed area research, or compensation fishing are received and necessary analyses have been conducted.

A comment was received citing a requirement at 50 CFR 600.745 that NMFS seek public comment for 15-45 days on every application, prior to issuing a permit. As described above, we believe the annual NOI provides the opportunity for public comment in most cases. However, we will provide additional opportunity for the public to comment in 2013 if applications are beyond the scope of general scientific sampling and tagging of HMS, and specifically for any applications received that involve aquaculture, closed area research, or compensation fishing.

For a copy of the full Federal Register notice and all the public comments, see the Atlantic HMS EFP website: <http://www.nmfs.noaa.gov/sfa/hms/EFPs/EFPs.htm> . This notice is a courtesy to individuals interested in HMS fisheries activities to keep you informed about the fishery. Official notice of Federal fishery actions is made through filing such notice with the Office of the Federal Register. For further information, contact Craig Cockrell or Mike Clark at (301) 427-8503.

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